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September 15, 1995

BY HAND DELIVERY

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20554

SEP 15 1995

RE: IB Docket No. 95-91 and GEN Docket No. 90-357

Dear Mr. Caton:

Transmitted herewith for filing with the Commission on behalf of Loral/QUALCOMM Partnership, L.P. are an original and five copies of its "Comments" in the above-referenced proceedings.

Should there be any questions regarding this matter, please communicate with this office.

Respectfully submitted,

William D. Wallace

Enclosures

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ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Establishment of Rules and Policies	)	IB Docket No. 95-91
for the Digital Audio Radio	)	GEN Docket No. 90-357
Satellite Service in the	)	
2310-2360 MHz Frequency Band	)	
	)	

To: The Commission

COMMENTS
OF LORAL/QUALCOMM PARTNERSHIP, L.P.

Pursuant to Section 1.415 of the Commission's Rules, Loral/QUALCOMM Partnership, L.P. (LQP), by its undersigned attorneys, submits these comments on the Notice of Proposed Rulemaking, FCC 95-229 (released June 15, 1995), in which the Commission has proposed service and licensing rules for the Satellite Digital Audio Radio Service (DARS).

LQP is licensed to construct, launch and operate low-earth orbiting satellite system in the Mobile-Satellite Service Above 1 GHz. See Order and Authorization, 10 FCC Rcd 2333 (1995). LQP is interested in this proceeding because the Commission has sought comment on use of feeder uplinks by Satellite DARS licensees in the 7025-7075 MHz band. See NPRM, ¶¶ 72-75. LQP has requested assignment of the 6875-7075 MHz band for its feeder downlinks, and has been authorized to commence construction of its satellites, at its own risk, to use those frequencies. See Order and Authorization, 10 FCC Rcd at 2336.

As the Commission recognized in the NPRM (at 24 n.76), revisions to the International Table of Frequency Allocations will be considered at the 1995 World Radiocommunication Conference to make the 6650-7075 MHz band available "to support current and immediate requirements of mobile-satellite services provided from non-geostationary satellite networks." United States Proposals for the 1995 World Radiocommunication Conference, at 170 (July 1995). The United States Proposals support these revisions.

While some Satellite DARS applicants propose to use the 7025-7075 MHz band for their feeder uplinks, NGSO MSS applicants, such as LQP, are proposing reverse-band working (RBW) in the 6/7 GHz band for their feeder downlinks. As the United States Proposals recognize, the WRC-95 Conference Preparatory Meeting determined that bidirectional sharing between geostationary and non-geostationary satellite system feeder links is technically feasible, given possible coordination of the number and siting of gateway earth stations. The United States Proposals also recommend adoption of a PFD limit at the geostationary arc to facilitate sharing between GSO and NGSO systems in these bands. Moreover, because NGSO MSS systems would use RBW in these bands, the United States has recommended that the procedures set forth in RR 2613 not apply. See U.S. Proposals, at 170-72.

LQP supports the United States Proposals to WRC-95 for the 6650-7075 MHz band with respect to RBW for NGSO MSS feeder links. However, the outcome of the proposals for the 6/7 GHz band will not be known until after WRC-

95. Therefore, it is appropriate for the Commission to continue to proceed with caution in the consideration of the 7025-7075 MHz band for Satellite DARS feeder links pending the conclusion of WRC-95. See NPRM, ¶ 74 (directing SDARS applicants to identify alternative feeder link frequencies in their amended applications).

Assuming that WRC-95 makes the 6/7 GHz band available for NGSO MSS feeder downlinks with appropriate sharing constraints, LQP believes that bidirectional sharing between GSO uplinks and NGSO downlinks appears feasible. However, any Satellite DARS systems assigned to use these frequencies should be required to operate within the sharing criteria adopted at WRC-95 for sharing between GSO FSS and NGSO MSS systems. The Commission's cautious approach to Satellite DARS feeder link assignments in the NPRM would permit further study of the sharing situation between Satellite DARS and NGSO MSS feeder links in these bands before the Commission makes a final determination in this proceeding. LQP recommends that this cautious approach continue through the conclusion of WRC-95.

Once the results of WRC-95 are known, LQP plans to seek unconditional assignment of feeder downlinks in the 6/7 GHz band for GLOBALSTAR. The Commission has indicated that, if sufficient feeder link spectrum is made available at WRC-95, GLOBALSTAR's conditional link assignments will be made unconditional. See Report and Order in CC Docket No. 92-166, 9 FCC Rcd 5936, ¶ 166 (1994). Accordingly, LQP also requests that if coordination is required, the

Commission direct those Satellite DARS applicants which seek to use the 6/7 GHz band for feeder links to coordinate, as necessary, with LQP and any other NGSO MSS licensee assigned feeder links in the band so as to ensure that this schedule for MSS Above 1 GHz licensees is maintained.

Respectfully submitted,

LORAL/QUALCOMM PARTNERSHIP, L.P.

By: John T. Scott, III

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Its Attorneys

Date: September 15, 1995

CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 15th day of September 1995, caused copies of the foregoing Comments of Loral/QUALCOMM Partnership, L.P. to be delivered via hand delivery to the following:

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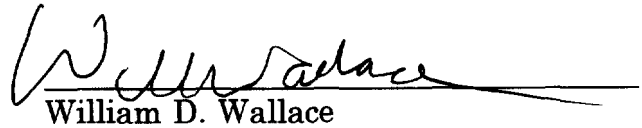

William D. Wallace